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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,216	05/30/2000	Lou Leonardo	003801.P021	2363

7590 04/14/2003

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EXAMINER

FRENEL, VANEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/583,216

Applicant(s)

LEONARDO ET AL.

Examiner

Vanel Frenel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-6. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Notice to Applicant***

1. This communication is in response to the application filed May 2000. Claims 1-20 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al (5,835,896) in view of Campbell (US 2001/0041993).

(A) As per claim 1, Fisher discloses a method for a network-based facility (Col.1, lines 6-39; Col.2, lines 35-58), the method comprising:

facilitating a submission of a complaint to the network-based

facility, the complaint relating to a network-based transaction (Col.1, lines 40-67;

Col.2, lines 10-67);

associating an identifier to the complaint (Col.6, lines 46-67);

facilitating a resolution of the complaint associated with the identifier (Col.7, lines

50-65). Fisher does not explicitly disclose facilitating a claim for insurance if the complaint is not resolved.

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However, this feature is known in the art, as evidenced by Campbell. In particular, Campbell suggests a claim for insurance if the complaint is not resolved (See Campbell, Page 5, Paragraph 0048).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Campbell within the system of Fisher with the motivation of empowering the claimant's attorney to resolve a claim much faster than under the current system, thereby allowing the attorney to collect legal fees much more quickly. By resolving claims faster, attorneys can handle more cases and generate more income and better server their clients, the claimants (See Campbell, Page 1, Paragraph 0006)

(B) As per claim 2, Fisher discloses the method wherein the network-based facility is a network-based online auction facility and the network-based transaction is a network-based online auction transaction (Col.2, lines 35-59).

(C) As per claim 3, Fisher discloses the method wherein the facilitating of the submission of the complaint includes: providing an interface for a user to input information for the complaint (Col.7, lines 35-67).

(D) As per claim 4, Fisher discloses the method wherein the providing of the interface includes: providing an interface for a bidder or an interface for a seller selected by the user (Col.7, lines 7-65).

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(E) As per claim 5, Fisher discloses the method wherein the facilitating of the resolution includes: providing a status interface for a user to view a current status or provide comments related to the complaint associated with the identifier or an interface to report a status of the complaint associated with the identifier (Col.8, lines 42-67).

(F) As per claim 6, Fisher discloses the method wherein the providing of the status interface includes: providing an interface for a user who is complained against to input comments related to the complaint associated with the identifier (Col.6, lines 46-67);

(G) As per claim 7, Campbell discloses the method wherein the facilitating of the claim for insurance includes: providing an interface for a user to file an insurance claim if the complaint has not be resolved after a certain period of time (Page1, Paragraph 0006).

(H) As per claim 8, Campbell discloses the method wherein the facilitating of the resolution includes: providing an interface allowing a user who is complained against to respond to the complaint (Page 4, Paragraph 0037-0038).

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(I) As per claim 9, Campbell discloses the method wherein the facilitating of the resolution includes: exchanging comments between a complaining user and a complained against user regarding the complaint associated with the identifier (Page 4, Paragraph 0039).

(J) As per claim 10, Fisher discloses a network-based facility system, comprising: a database configured to maintain records of network-based transactions (Col.2, lines 35-67; Col.6, lines 13-67); and a processing unit configured to facilitate a submission of a complaint from a user, the complaint relating to a network-based transaction record maintained by the database, to associate an identifier to the complaint (Col.7, lines 8-65), to facilitate a resolution of the complaint associated with the identifier (Col.5, lines 50-65). Fisher does not explicitly disclose facilitate a claim for insurance if the complaint is not resolved.

However, this feature is known in the art, as evidenced by Campbell. In particular, Campbell suggests a claim for insurance if the complaint is not resolved (See Campbell, Page 5, Paragraph 0048).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Campbell within the system of Fisher with the motivation of empowering the claimant's attorney to resolve a claim much faster than under the current system, thereby allowing the attorney to collect legal fees much more quickly. By resolving claims faster, attorneys can handle more cases and generate more

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income and better server their clients, the claimants (See Campbell, Page 1, Paragraph 0006)

(K) As per claim 11, Fisher discloses the network-based facility system wherein the network-based transaction record is a network-based online transaction record

(Col.2, lines 35-59).

(L) As per claim 12, Fisher discloses the network-based facility system wherein the processing unit is further configured to provide an interface for a user to

input information for the complaint (Col.7, lines 35-67).

(M) As per claim 13, Fisher discloses the network-based facility system wherein the processing unit is further configured to provide an interface for a bidder

or an interface for a seller selected by the user (Col.7, lines 7-65).).

(N) As per claim 14, Fisher discloses the network-based facility system wherein the processing unit is further configured to provide a status interface for a

user to view a current status and provide comments related to the

complaint associated with the identifier or an interface to report a status of

the complaint associated with the identifier (Col.7, lines 7-67).

(O) As per claim 15, Fisher discloses the network-based facility system wherein the

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processing unit is further configured to provide an interface for a user who is complained against to input comments related to the complaint associated with the identifier (Col.6, lines 46-67);

(P) As per claim 16, Campbell discloses the network-based facility system wherein the processing unit is further configured to provide an interface for a user to file an insurance claim if the complaint has not be resolved after a certain period of time (Page 1, Paragraph 0006; Page 5, Paragraph 0048).

(Q) As per claim 17, Campbell discloses the network-based facility system wherein the processing unit is further configured to provide an interface allowing a user who is complained against to respond to the complaint (Page 4, Paragraph 0037-0038).

(R) As per claim 18, Campbell discloses the network-based facility system wherein the processing unit is further configured to facilitate exchange of comments between a complaining user and a complained against user regarding the complaint associated with the identifier (Page 4, Paragraph 0039).

(S) Claim 19 differs from claims 1 and 10 by reciting a machine-readable medium that provides instructions, which when executed by a machine.

As per this limitation, Fisher discloses said machine to perform operations comprising:



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facilitating a submission of a complaint to the network-based facility, the complaint relating to a network-based transaction (Col.1, lines 40-67; Col.2, lines 10-67);

associating an identifier to the complaint (Col.6, lines 46-67); facilitating a resolution of the complaint associated with the identifier (Col.7, lines 50-65) and Campbell discloses facilitating a claim for insurance if the complaint is not resolved.

Thus, it is readily apparent these prior art systems utilize a machine-readable medium that provides instructions to perform the their specified function.

The remainder of claim 19 is rejected for the same reason given above for claims 1 and 10, and incorporated herein.

(T) As per claim 20, Fisher discloses the machine-readable medium wherein the network-based facility is a network-based online auction facility and the network-based transaction is a network-based online transaction (Col.2, lines 35-59).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches method for electronic merchandise dispute resolution (6,336,095), method and apparatus for cryptographically assisted commercial network system designed to facilitate buyer-driven conditional purchase offers (5,794,207) and online method and system for fulfilling needs resulting from property and other similar losses (US 2002/0035528).

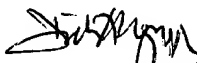
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on 6:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

V.F  
V.F  
April 6, 2003

  
DINH X. NGUYEN  
PRIMARY EXAMINER